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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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SEAN F. McAVOY, CLERK
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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.
12

13 ADAM CHARLES WELLBORN and
14 BRITTANY JEAN SCHAEFFER,

15 Defendants.
16
17

Case No.: **2:14-CR-32-JLQ**

INDICTMENT

Ct 1: 18 U.S.C. § 1029(b)(2) –
Conspiracy to Commit Access Device
Fraud

Forfeiture Allegations

18
19 The Grand Jury charges:

20
21 **COUNT ONE**

22 **CONSPIRACY TO COMMIT ACCESS DEVICE FRAUD**

23 **18 U.S.C. § 1029(b)(2)**

24 From on or about August 15, 2013 to on or about September 3, 2013, in the
25 Eastern District of Washington, in Chelan County and elsewhere, Defendants ADAM
26 CHARLES WELLBORN and BRITTANY JEAN SCHAEFFER, did knowingly and
27 willfully conspire and agree together and with each other to commit a violation of 18

28 INDICTMENT - 1

1 U.S.C. § 1029(a)(5) , to wit, to knowingly and with intent to defraud, effect
2 transactions with an access device issued to another person to receive money and
3 other things of value aggregating \$1,000 or more during a period from on or about
4 August 26, 2013 to on or about September 3, 2013, said use affecting interstate
5 commerce and foreign commerce in that the access device utilized an automated teller
6 machine connected to a nationwide network of financial institutions outside the
7 Eastern District of Washington, all in violation of 18 U.S.C. § 1029(b)(2).

8 **GENERAL ALLEGATIONS**

9 At all times material to this Indictment Defendant ADAM CHARLES
10 WELLBORN and Defendant BRITTANY JEAN SCHAEFFER were residents of
11 Chelan County in the Eastern District of Washington.

12 The term "access device" means any card, plate, code, account number,
13 electronic serial number, mobile identification number, personal identification
14 number, or other telecommunications service, equipment, or instrument identifier, or
15 other means of account access that can be used, alone or in conjunction with another
16 access device, to obtain money, goods, services, or any other thing of value, or that
17 can be used to initiate a transfer of funds (other than a transfer originated solely by
18 paper instrument).

19 **MANNER AND MEANS**

20 It was the purpose and object of the conspiracy for defendants ADAM
21 CHARLES WELLBORN and BRITTANY JEAN SCHAEFFER to knowingly and
22 with intent to defraud effect transactions with an access device issued to another
23 person to receive money and other things of value aggregating at least \$1,000 during a
24 1-year period, to wit from on or about August 15, 2013 to on or about September 3,
25 2013.

26 It was further the purpose and object of the conspiracy for Defendants ADAM
27 CHARLES WELLBORN and BRITTANY JEAN SCHAEFFER to on or about

1 August 26, 2013 to on or about September 3, 2013 deposit without lawful authority
2 stolen checks into the bank account of another person to inflate the balance of the
3 other person's bank account.

4 It was further the purpose and object of the conspiracy for Defendants ADAM
5 CHARLES WELLBORN and BRITTANY JEAN SCHAEFFER to on or about
6 August 26, 2013 to on or about September 3, 2013 use without lawful authority
7 another person's bank debit card to withdraw funds and make point of sale purchases
8 in excess of \$1,000 for the benefit of themselves.

9 OVERT ACTS

10 In furtherance of the conspiracy and to effect the objects of the conspiracy,
11 certain overt acts were committed in the Eastern District of Washington, including,
12 among others:

13 Beginning on or about August 15, 2013 and continuing to on or about August
14 26, 2013, Defendants ADAM CHARLES WELLBORN and BRITTANY JEAN
15 SCHAEFFER acquired a bank debit card (an access device) issued to another person,
16 J.S., and acquired and created a unique personal identification number (PIN) for J.S.'
17 bank debit card. Defendants ADAM CHARLES WELLBORN and BRITTANY
18 JEAN SCHAEFFER acquired the bank debit card and unique PIN in the Wenatchee,
19 Washington area in the Eastern District of Washington. The bank debit card was
20 issued by Cashmere Valley Bank for J.S.' bank account number XXXXXX0010 held
21 at Cashmere Valley Bank. At no time on or about August 15, 2013 and continuing to
22 on or about September 3, 2013 did Defendants ADAM CHARLES WELLBORN and
23 BRITTANY JEAN SCHAEFFER have permission and lawful authority to possess
24 and use J.S.' bank debit card.

25 On August 26, 2013, Defendant BRITTANY JEAN SCHAEFFER activated
26 J.S.' bank debit card in the Wenatchee, Washington area in the Eastern District of
27 Washington utilizing an automated ~~automated~~ teller machine connected to a

1 nationwide network of financial institutions outside the Eastern District of
2 Washington, allowing Defendants ADAM CHARLES WELLBORN and BRITTANY
3 JEAN SCHAEFFER to make fraudulent and unauthorized deposits, withdrawals, and
4 point of sale transactions using the bank debit card. Defendants ADAM CHARLES
5 WELLBORN and BRITTANY JEAN SCHAEFFER did not have lawful authority to
6 use the debit card and were not named on J.S.' Cashmere Valley Bank account
7 number XXXXXX0010. Defendant ADAM CHARLES WELLBORN was with
8 Defendant BRITTANY JEAN SCHAEFFER when she activated J.S.' debit card on
9 August 26, 2013.

10 Beginning on or about August 26, 2013 and continuing to on or about
11 September 3, 2013, Defendants ADAM CHARLES WELLBORN and BRITTANY
12 JEAN SCHAEFFER made fraudulent deposits totaling over \$1,000 into J.S.'
13 Cashmere Valley Bank account number XXXXXX0010. The fraudulent deposits
14 were made using stolen checks with the payees altered to reflect J.S. instead of the
15 intended payees. The fraudulent deposits by Defendants ADAM CHARLES
16 WELLBORN and BRITTANY JEAN SCHAEFFER into J.S.' bank account were
17 made by Defendants ADAM CHARLES WELLBORN and BRITTANY JEAN
18 SCHAEFFER in the Wenatchee, Washington area in the Eastern District of
19 Washington.

20 Beginning on or about August 26, 2013 and continuing to on or about
21 September 3, 2013, Defendants ADAM CHARLES WELLBORN and BRITTANY
22 JEAN SCHAEFFER made fraudulent and unauthorized cash withdrawals and point of
23 sale purchases using J.S.' bank debit card totaling over \$1,000. The fraudulent and
24 unauthorized withdrawals and point of sale transactions made by Defendants ADAM
25 CHARLES WELLBORN and BRITTANY JEAN SCHAEFFER from J.S.' Cashmere
26 Valley Bank account number XXXXXX0010 were made in the Wenatchee,
27 Washington area in the Eastern District of Washington. The fraudulent and

1 unauthorized withdrawals and point of sale transactions made by Defendants ADAM
2 CHARLES WELLBORN and BRITTANY JEAN SCHAEFFER from J.S.' Cashmere
3 Valley Bank account number XXXXXX0010 were all made for the benefit of the
4 Defendants.

5 All in violation of 18 U.S.C. § 1029(b)(2).

6 **NOTICE OF CRIMINAL FORFEITURE**

7 Count 1 of this Indictment is hereby realleged and incorporated by reference for
8 the purpose of alleging forfeitures pursuant to 18 U.S.C. §§ 982(a)(2)(B) and
9 1029(c)(1)(C).

10 Upon conviction of the offense in violation of 18 U.S.C. § 1029(b)(2) set forth
11 in Count 1 of this Indictment, Defendants ADAM CHARLES WELLBORN and
12 BRITTANY JEAN SCHAEFFER shall forfeit to the United States, pursuant to 18
13 U.S.C. § 982(a)(2)(B), any property constituting, or derived from, proceeds obtained,
14 directly or indirectly, as a result of such violation(s); and/or pursuant to 18 U.S.C. §
15 1029(c)(1)(C), any personal property used or intended to be used to commit the
16 offense(s).

17 If any of the property described above, as a result of any act or omission of the
18 Defendant:

- 19 a. cannot be located upon the exercise of due diligence;
20 b. has been transferred or sold to, or deposited with, a third party;
21 c. has been placed beyond the jurisdiction of the court;
22 d. has been substantially diminished in value; or
23 e. has been commingled with other property which cannot be divided
24 without difficulty,

1 the United States of America shall be entitled to forfeiture of substitute property
2 pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and
3 § 1029(c)(2) and 28 U.S.C. § 2461(c).

4 DATED: February 20, 2014

5 A TRUE BILL

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11 MICHAEL C. ORMSBY
12 United States Attorney

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15 JAMES A. GOEKE
16 Assistant United States Attorney
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